

REMARKS

Claims 1-25, 27, 29-33, and 35-42 are pending in the application. Claims 1-24 and 40 are indicated to be allowable. Claims 25, 27, 29-31, 35-37, and 41-42 stand rejected. Claims 1, 24, 32-33, and 38-39 are objected to by the Examiner. Applicants thank the Examiner with appreciation for the careful consideration and examination. No new matter is believed introduced by this submission.

Applicants file this response solely to facilitate prosecution. Applicants reserve the right to pursue claims of broader or similar scope as originally filed in this application, a continuation application, or other application. Applicants do not concede that any current or past rejection (in this application or parent applications) are correct and reserve the right to challenge rejections later in prosecution, on appeal, or at some other future time. Any amendment, argument, or claim cancellation is not to be construed as abandonment or disclaimer of subject matter.

After entry of this Response, Claims 1-24, 29-31, 33, 35-37, and 39-42 remain pending. Applicants believe that the claims are in allowable condition and respectfully request reconsideration of the claims in light of the following remarks.

I. Claim Objections

Claim 1 is objected to because of an alleged informality. The Examiner contends that there is already antecedent basis for “a downlink channel and uplink channel.” Applicants respectfully traverse this objection. The Examiner may be finding the alleged antecedent basis in “a downlink channel *response*” and “an uplink channel *response*.” However, these are separate elements/features in the claim. Withdrawal of the objection is respectfully requested.

Claim 24 is objected to because of an alleged informality. Applicants respectfully submit that claim 24, as amended, overcomes this objection. Withdrawal of the objection is respectfully requested.

II. Claim Rejections – 35 USC § 103

Claims 25 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Mesecher et al.* (U.S. Patent No. 6,278,726, hereinafter, “*Mesecher*”) and *Keskitalo et al.* (U.S. Patent No. 7,403,748, hereinafter, “*Keskitalo*”) and further in view of *Hudson* (U.S. Patent No. 7,254,171). Claims 25 and 27 have been canceled thus the rejection is moot.

Claims 29-31, 35-37, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Boros et al.* (U.S. Patent No. 6,654,590, hereinafter, “*Boros*”) and *Nelson, Jr. et al.* (U.S. Patent No. 7,006,483, hereinafter, “*Nelson*”) and further in view of *Keskitalo*. Applicants amend claims 41 and 42 to include the features of claims 32 and 38, respectively, which the Examiner has indicated are allowable. Claims 29-31 and 35-37 each depend, directly or indirectly, from claims 41 and 42. Accordingly, Applicants submit these claims are allowable and respectfully request withdrawal of this rejection.

III. Allowable Subject Matter

Claims 1-24 and 40 are allowed. Applicants thank the Examiner for indicating that claims 1-24 and 40 are allowed.

Claims 32-33 and 38-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Applicants thank the Examiner for indicating that these claims would be allowable, and have amended claims 41 and 42 to incorporate the limitation of claims 32 and 38, respectively. Accordingly, claims 41 and 42, as well as claims dependent therefrom, are believed to be allowable, and withdrawal of this objection is respectfully requested.

IV. Fees

Applicant files this Response with two months of the Office Action and with no new claims. No fees are believed due. However, the USPTO is authorized to charge any fees deemed due to Deposit Account 17-0026 for full acceptance of this submission and to keep this application pending.

V. Conclusion

This Response is believed to be a complete response to the Final Office Action and in accordance with 37 C.F.R. § 1.116 for full entry at this stage of prosecution. Applicants respectfully assert that the pending claims are in condition for allowance and respectfully request passing of this case in due course of USPTO business.

If the Examiner believes that any issues associated with the Application can be resolved over the phone or by Examiner's amendment, a telephone call to Hunter Yancey at 858-845-7534 is respectfully requested.

Respectfully submitted,

QUALCOMM, INC.

/jameshuntyanceyjr53809/
James H. "Hunter" Yancey, Jr.
USPTO Reg. No. 53,809

QUALCOMM Patent Group
5775 Morehouse Drive
San Diego, CA 92121
P: 858-845-7534
F: 858-845-3986
E: hunter@qualcomm.com
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